REMARKS

The Office Action mailed November 23, 2007 has been carefully considered. Within the Office Action Claims 1-12 have been rejected. The Applicants have amended Claims 1-12. Reconsideration in view of the following remarks is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable to Yin, U.S. Patent No. 4,800,242 (hereinafter "Yin") in view of Sfondrini et al. WO 00/05735 (hereinafter "Sfondrini et al."). This rejection is respectfully traversed.

Specifically, the Office Action contends that the elements in the claims are disclosed in Yin except that Yin does not teach a motorized actuation means. The Office Action further contends that Sfondrini teaches a motorized actuation means and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Sfondrini into Yin in order to reach the claimed subject matter. The Applicants respectfully disagree for the reasons set forth below.

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (" Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to

determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit**.") (emphasis added).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530 (Fed. Cir. 1983). Thus, when considering the whole prior art reference its entirety, portions that would lead away from the claimed invention must be considered. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983), See M.P.E.P. 2141.02. Thus, it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731 (Fed. Cir. 1983).

Yin discloses a spring-powered drive assembly for opening and closing a switch such as one forming part of a high-voltage switch gear apparatus. The apparatus includes a drive arm which is adapted for connection with the switch to be opened and closed and movable in response to a certain minimum force from a first position to a second position to open the switch, and from the second position back to the first position to close the switch. The power required for moving the drive arm between these two extreme positions is provided by means of a single straight coil spring charged and discharged in one specific way to move the drive arm in one direction and charged and then discharged in a second way to move the drive arm in the opposite direction. (Yin, Abstract).

One skilled in the art combining Yin with Sfondrini would not reach each and every element/limitation in the claims as required to establish a prima facie case of obviousness. For instance, the control device in Yin does not include a motor, whereby the control device

functions manually with the actuation of handle 68 to allow upward/downward movement of the housing 30 in compressing and extending the springs 28a and 28b. In addition, the springs 28a and 28b in Yin are not stressed when in the closed position, but are in fact discharged or relaxed as expressly stated in Yin. (Yin, Col. 4, Lines 6-9). In other words, in the closed position, it is not the springs that ensure that the set of jointed elements is applied against the abutment element, as recited in Claim 1.

Furthermore, the opening and closing mechanism in Yin does not allow the drive arm 12 to reach the open dead centre position during opening, as recited in Claim 1. Yin's drive arm 12 where the mobile contact is connected adopts two different positions spaced angularly to an amount of approximately 90 degrees, namely the closed position in Figure 1 and the open position in Figure 2. Even in the closed position, Yin's jointed elements may be arranged near an open dead center position. Thus, when latch member 48 is released, the drive arm 12 moves in the clockwise direction during opening. Therefore, the opening and closing mechanism in Yin does not allow the drive arm 12 to reach the open dead centre position during opening, as recited in Claim 1. For at least the reasons stated above, the combination of Yin with Sfondrini does not teach or suggest each and every element/limitation in Claim 1. Accordingly, Claim 1 is patentable over the combination of Yin and Sfondrini.

Claims 2-12 have also been rejected in light of Yin and Sfondrini. However, Claims 2-12 are dependent on Independent Claim 1. As stated above, Claim 1 is allowable over Yin and Sfondrini. Accordingly, Claims 2-12 are allowable for being dependent on an allowable base claim.

Conclusion

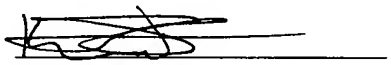
It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

Dated: February 25, 2008



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